



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION VII
901 NORTH 5TH STREET
KANSAS CITY, KANSAS 66101

21 JAN 2004

Mr. Roderick L. Bremby, Secretary
Kansas Department of Health & Environment
Office of the Secretary
1000 SW Jackson, Suite 540
Topeka, Kansas 66612-1368

RECEIVED

JAN 23 2004

BUREAU OF WATER

Dear Mr. Bremby:

Re: Solomon Basin TMDLs

This letter is in response to 13 Total Maximum Daily Loads (TMDL) documents submitted by Kansas Department of Health and Environment and received by the U.S. Environmental Protection Agency (EPA) on November 4, 2003. Specifically, these 13 documents, representing their waterbodies and impairments were addressed:

1. Lower South Fork Solomon River – Biology
2. Browns Creek – Dissolved oxygen
3. Bow Creek – Selenium, revision received December 16, 2003
4. Waconda Lake and Waconda Lake Basin – Sulfate, revisions received December 16 and 23, 2003 and January 7, 2004
5. Waconda Lake Basin – Selenium, revisions received December 16 and 23, 2003 and January 7, 2004
6. Twin Creek – Dissolved oxygen
7. Limestone Creek – Sulfate, revisions received December 9 and 16, 2003 and January 12, 2004
8. Webster Lake – Sulfate, revisions received December 16 and 23, 2003 and January 7, 2004
9. Upper South Fork Solomon River – Selenium, revisions received December 16 and 23, 2003 and January 7, 2004
10. Upper North Fork Solomon River – Sulfate, revision received December 16, 2003 and January 12, 2004
11. Upper North Fork Solomon River – Selenium, revision received December 16, 2003 and January 12, 2004
12. Salt Creek – Chloride, revisions received December 9 and 16, 2003 and January 12, 2004
13. Limestone Creek – Selenium, revisions received December 9 and 16, 2003

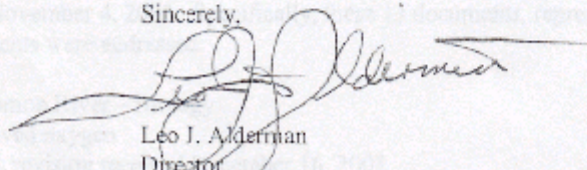
In all, the 13 documents constitute 351 TMDLs for waterbodies located in the Solomon Basin. In addition to fulfilling the Clean Water Act statutory requirement to develop TMDLs for those waters listed on the Kansas §303(d) list, this submission was made pursuant to Paragraph 7 of the Consent Decree requirements entered on April 13, 1998.

EPA has completed its review of these TMDL documents and by this letter, EPA approves the 13 TMDLs submitted. Region 7 TMDL review forms are enclosed with this letter that summarize the rationale for EPA's approval for each of the 13 TMDLs. EPA believes the separate elements of the TMDLs described in the review forms adequately address the pollutants of concern, taking into consideration seasonal variation and a margin of safety.

EPA is currently engaged in consultation under Section 7 of the Endangered Species Act with the U.S. Fish and Wildlife Service regarding these TMDLS. While EPA is approving these TMDLS at the present time, EPA may decide that changes to the TMDLS are warranted based upon the results of the consultation when it is completed.

EPA commends KDHE on its efforts to submit these TMDLs for the Solomon Basin as set forth in the Consent Decree requirements. EPA appreciates the thoughtful teamwork and partnering effort that Kansas has put forth in the development of these Solomon Basin TMDLs. We will continue to cooperate and assist, as appropriate, in future efforts by Kansas to develop TMDLs.

Sincerely,



Leo J. Alderman
Director

Water, Wetlands, and Pesticides Division

Enclosures

cc: Tom Stiles, Kansas Department of Health and Environment, Topeka, KS
John Simpson, KNRC, Inc., Kansas City, MO